

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

**BRITTANY BLACKMAN,**

**Plaintiff,**

**v.**

**TURNING POINT SOLUTIONS, LLC;  
SAM GALBO; and  
DOE 1-5, inclusive,  
Defendants.**

**Civil Action No. \_\_\_\_\_**

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**COMPLAINT**  
**(Jury Trial Demanded)**

1. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA").

**JURISDICTION AND VENUE**

2. This Court exercises jurisdiction under 15 U.S.C. 1692k and 28 U.S.C. 1331. This District is of proper venue as Defendants are residents within this District and Defendants engaged in the activities alleged herein while so residing.

**PARTIES**

3. Plaintiff, BRITTANY BLACKMAN (hereinafter “Plaintiff” or “Ms. Blackman”), is a natural person residing in Muldraugh, Kentucky.

4. Defendant, TURNING POINT SOLUTIONS, LLC, is a limited liability company believed to maintain its principle place of business at 2560 Walden Avenue, Suite 103 in Cheektowaga, NY. Defendant SAM GALBO is the proprietor and operator of TURNING POINT SOLUTIONS, LLC, a debt collector, and responsible for the actions, policies, and procedures of the company, including those giving rise to Plaintiff’s cause of action herein.

5. TURNING POINT SOLUTIONS, LLC, SAM GALBO, and DOE 1-5 shall jointly be referred to herein as “Defendants”.

6. Defendants regularly operate as third-party debt collectors and are “debt collectors” as defined by 15 U.S.C. 1692a.

### **FACTUAL ALLEGATIONS**

7. Defendants engaged in debt collection efforts in an attempt to collect a consumer debt allegedly owed by Ms. Blackman.

8. On three occasions during October 2014, including on October 21, 2014, Defendants called and left telephone messages for Ms. Blackman, the content of which is as follows:

“This message is for Blackman, Brittany. This call is in regards to file number 713399. Our claim is seeking the final decision on how to handle this file moving forward. Because we have not spoken to you, this decision may be made contrary to what you expect. Please call us back at 866-750-4733 and press extension 1 for

more information to make sure no unwanted action is being taken. A return phone call is needed as soon as this message is received.”

9. At no time did Defendants provide Ms. Blackman with the debt validation information or notice of right to dispute debt as required pursuant to 15 U.S.C. 1692g(a).

10. Concerned with Defendants’ anonymous and threatening calls, Ms. Blackman retained counsel with Centennial Law Offices.

11. As a direct result of the collection activity herein alleged, Ms. Blackman has incurred legal fees of \$1,555.00.

### **CAUSES OF ACTION**

#### **COUNT I**

12. Plaintiff re-alleges paragraphs 1 through 11, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692d(6) with regards to Plaintiff as follows: In their messages to Plaintiff, Defendants failed to state that the calls were from Turning Point Solutions, LLC, a debt collector, and being made in an attempt to collect a debt.

#### **COUNT I**

13. Plaintiff re-alleges paragraphs 1 through 11, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692(e)11 with regards to

Plaintiff as follows: In their messages to Plaintiff, Defendants failed to state that the calls were from a debt collector and being made in an attempt to collect a debt.

### **COUNT III**

14. Plaintiff re-alleges paragraphs 1 through 11, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692g with regards to Plaintiff by failing to send Plaintiff the requisite debt validation information within 5-days of Defendant's initial communication with Plaintiff.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, recovery as follows:

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For \$1,555.00 in legal fees incurred in responding to unlawful collection activity;
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to 15 U.S.C. 1692(k);
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

### **JURY DEMAND**

Plaintiff demands a jury trial.

Date: July 6, 2015

s/Robert Amador  
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